CLERK'S COPY.

179

Vol. I

TRANSCRIPT OF RECORD

INDEX

Supreme Court of the United States

OCTOBER TERM, 1940

No. 267

SIX COMPANIES OF CALIFORNIA, HARTFORD ACCIDENT AND INDEMNITY COMPANY, ET AL., PETITIONERS.

28.

JOINT HIGHWAY DISTRICT No. 13 OF THE STATE OF CALIFORNIA

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR CERTIORARI FILED JULY 22, 1944.

CERTIORAEI GRANTED OCTOBER 14, 1944.

United States

Circuit Court of Appeals

For the Rinth Circuit.

SIX COMPANIES OF CALIFORNIA, a corporation, and HARTFORD ACCIDENT AND INDEMNITY COMPANY. a corporation, FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation, THE AETNA CAS-UALTY AND SURETY COMPANY, a corporation, IN-DEMNITY INSURANCE COMPANY OF NORTH AMERICA, a corporation, AMERICAN SURETY COM-PANY OF NEW YORK, a corporation, MARYLAND COMPANY, CASUALTY corporation, STATES FIDELITY AND GUARANTY COMPANY, a corporation, THE FIDELITY AND CASUALTY COM-PANY OF NEW YORK, a corporation, GLENS FALLS INDEMNITY COMPANY, a corporation, STANDARD SURETY AND CASUALTY COMPANY OF NEW YORK. a corporation, STANDARD ACCIDENT INSURANCE COMPANY, a corporation, MASSACHUSETTS BOND-ING AND INSURANCE COMPANY, a corporation, CON-TINENTAL CASUALTY COMPANY, a corporation, and · NEW AMSTERDAM CASUALTY COMPANY, a corporation. Appellants,

VS.

JOINT HIGHWAY DISTRICT NO. 13 OF THE STATE OF CALIFORNIA, a public corporation,

Appellee.

Transcript of Record In Eight Volumes VOLUME I INDEX

Upon Appeal from the District Court of the United

States for the Northern District of California,
Southern Division.

INDEX.

[Clerk's Note: When deemed likely to be of an important nature. errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

Dill and the second of the sec	Record Page
Answer and Cross-Complaint of Defendant	7
Order amending	129
Answer to Cross-Complaint of Plaintiff	60
Answer to Cross-Complaint of other Defendants	86
Amendment to Complaint:	113
Amendments to Plaintiff's Answer to	
Cross-Complaint	116
Amendments to Cross-Defendant's Answer to Cross-Complaint	.118
Appeal:	galleria.
Clerk's notice of filing of	324
Notice of	321
Supersedeas Bond on	324
Statement of points on which Appellant	
intends to rely	355
Complaint	2
Amendment to	113
Answer of defendant to	7
Conclusions of Law:	
Defendant's requested	216
Plaintiff's requested	304

	Record Page
Cross-Complaint	46
Answer of other defendants	86
Amendments to	118
Answer of plaintiff	60
Amendments to	116
Designation of Contents of Record, Appellant's (District Court)	342
Clerk's Notice of Entry of Judgment	316
Clerk's Notice of filing of Appeal	324
Clerk's Certificate to Record on Appeal	354
Designation of parts of the Record to be printed (Circuit Court of Appeals)	389
Dismissal of Cross-Complaint as to certain defendants	125
Findings of Fact and Conclusions of Law: Defendant's requested	143
Objections and amendments to	222
Plaintiff's requested	240
Judgment	301
Notice of entry of	317
Minute Orders:	Number of
May 27, 1938, Proceedings on Trial	121
May 31, 1938, Proceedings on Trial	122
June 1, 1938, Proceedings on Trial	
arg bersenger streeter	11111

hala hipor of Yearin St

Joint Highway District 13	iii
June 2, 1938, Proceedings on Trial	Record Page 126
August 8, 1938, Order for Judgment	129
Names and addresses of Attorneys of Record	1
Notice of Entry of Judgment	317
Notice of Appeal	321
Opinion	130
Order amending Answer and Cross-Com- plaint	129
Order extending time of plaintiff and cross- defendants to submit Findings of Fact and Conclusions of Law	221
Order extending time for filing Record on Appeal	347
Order that all original papers and exhibits be sent to Circuit Court of Appeals	345
Objections and Amendments to Defendant's Findings of Fact and Conclusions of Law,	
Plaintiff's and Cross-Defendants	222
Reporter's Transcript (For detailed index see "Testimony")	407
Stipulation waiving Jury	112
Stipulation and Order for Amending Answer and Cross-Complaint	127
Stipulation and Order extending Time of Plaintiff and Cross-Defendants to submit	
Findings of Fact and Conclusions of Law	220

and the following the following the same

ASSESSED FOR THE PARTY OF THE P

head -	Record Page
Supersedeas Bond on Appeal	324
Statement of Points on which Appellant in-	055
tends to rely on Appeal	355
Stipulation that District Court may order all original papers and exhibits sent to Circuit Court of Appeals	343
	343
Stipulation extending time to docket Rec- ord on Appeal	346
Stipulation as to contents of Record on	
Appeal	348
Testimony	407
Court's ruling in favor of defendant on the issues raised by the complaint and	
answer	2411
Motion of cross-defendants to dismiss the cross complaint of cross complainant	2416
Motions for findings of fact and con- clusions of law:	
Defendant's, in support of motion for judgment	2562
Defendant's, that plaintiff take nothing by counts one and two of the com-	
plaint, etc.	2381
Plaintiff's, that plaintiff is entitled to judgment on each count of its com-	
plaint, etc.	2401
Plaintiff's, on counter claims of de- fendant	2570

the bearing the contract to	Page
Plaintiff's and cross-defendant's, on cross complaint of defendant and	
cross-complaint	2578
Motions for judgment:	
Cross-defendant surety companies in their favor	2585
Defendant's, on issue of right of plain- tiff to rescind agreement	2381
Plaintiff's, on grounds defendant failed to make progress payments, etc., en-	2000
titling plaintiff to rescind agreement	2383
Plaintiff's, on ground that it was misled in entering into the contract, etc	2384
Plaintiff's, in its favor for such sum or amount as the Court shall find to be reasonable value for work and labor of plaintiff prior to date of rescind- ing contract	2397
Defendant's, on the ground that it is entitled to damages for increased cost of completing work, etc.	2562
Plaintiff's, in its favor on the counter-	2570
Plaintiff's and cross defendant's in its favor on cross complaint of defendant and cross-complainant	2578
Motion of plaintiff to dismiss cross com-	20.0
plaint	2437

Record Book o
Motion of plaintiff to dismiss cross-
complaint as against cross defendants
Fireman's Fund Indemnity Co. and
Pacific Indemnity Corporation 2447
Motion to strike:
Plaintiff's to strike Defendant's Ex-
hibit "WWW" and Defendant's Ex-
hibit "O-4"2395-2431
Plaintiff's to strike portion of the testi-
mony of defendant2564
Renewal of Motion 2607
Oral Argument:
Plaintiff's on motion for judgment 2385
and the course of the second o
Exhibits for Defendant:
Exhibit B to Appellant's Designation 495
A—Table showing construction cost,
subdivided into principal structures
or classes of work and showing labor
and material cost for each subdivi-
sion 321
B—Map showing tunnels in vicinity of
San, Francisco Bay
C-Photographs showing conditions in
old tunnel 324
D-"Preliminary Report upon the
Geology of the Claremont Tunnel,"
by Carlton D. Hulin, April 27, 1926 337

Exhibits for defendant (continued): E-Letter 2/26/29, L. M. Larson to Professor Louderback ... 349 F-Letter, 4/19/35, C. H. Fry, Superintendent of Safety, Industrial Accident Commission, to T. M. Price... 889 G-Photograph right hand of down grade tunnel, north tunnel, 2/15/36, Station 124 plus 85..... 358 H-Photograph of roof of north tunnel 359 I—Photograph 2/15/35, timbering on south side of down grade tunnel, Station 125 plus 53.... 360 L—Photograph 361 M—Photograph 362 N-Letter and schedule, 8/9/34, Six Companies to Joint Highway District No. 13 363 O-Letter 2/12/35, revised schedule, Six Companies to Joint Highway 367 District No. 13 P-Diagram 370 Q-Letter, 7/20/34, Six Companies to Wallace B. Boggs..... R-Letter, 9/25/34, Six Companies to Wallace B. Boggs.....

Record Page	Book of Exhibits
S—Letter, 9/28/34, Six Companies to Joint Highway District 13 and en-	,
closures	371
 T—Letter, 10/18/34, Six Companies to T. A. Riordan, Director of Department of Industrial Relations 1131 	
U—Letter, 11/27/34, S. D. Bechtel, President, Six Companies, to Board of Directors, Joint Highway Dis- trict No. 13	
V—Letter, 12/1/34, Six Companies of California to Board of Directors, Joint Highway District No. 13	
W—Letter, 12/5/34, Six Companies to T. A. Riordan 1184	
X—Letter, 12/5/34, Six Companies to Board of Directors, Joint Highway District No. 13	
Y—Order, Department of Industrial Relations, 12/5/341203	
Z—Authority of Department of Agriculture, Bureau of Public Roads, 12/19/34, to work men underground	
40 hours a week 1207 AA—Letter, 12/27/34, Joint Highway District No. 13, by Thos. E. Calde-	0==
cott to Six Companies	377

Exhibits	for	defendant	(continued)	•
THE REAL PROPERTY.		CA C. T. CO. S. C.	COMMUNICATION /	4

Boord I	look of
BB-Letter, 12/26/34, Six Companies	
to Wallace B. Boggs, District Engi-	
neer	382
CC-Letter, 1/3/35, W. B. Boggs, Dis-	
trict Engineer, to Field Office, Six	
Companies1213	
DD-Letter, 1/9/35, W. B. Boggs, Ins-	
trict Engineer, to Field Office, Six	
Companies1214	
EE-Letter, 1/18/35, Six Companies;	
by T. M. Price, to W. B. Boggs,	
District Engineer4218	
FF—Letter, 1/23/35, W. B. Boggs, Dis-	
trict Engineer, to Six Companies1220	
GG-Letter, 1/24/35, Six Companies	
to W. B. Boggs, District Engineer_1222	
HH-Letter, 2/5/35, W. B. Boggs to	
Six Companies1223	
II—Letter, 4/2/35, Six Companies to	
W. B. Boggs, District Engineer	389
JJ-Letter, 4/9/35, W. B. Boggs, Dis-	
trict Engineer, to Six Companies 1229	
KK-Letter, 5/1/35, Six Companies to	
W. B. Boggs, District Engineer 1234	
LL—Letter, 5/1/35, Six Companies to	
W. B. Boggs, District Engineer1238	

Record Book Page Exhibit
MM—Letter, 8/30/35, Wallace B. Boggs to Six Companies
NN—Letter, 8/31/35, Six Companies to Wallace B. Boggs
OO—Letter, 9/1/35, Six Companies to Wallace B. Boggs
PP—Letter, 9/3/35, Six Companies to W. B. Boggs1326
QQ—Letter, 9/5/35, Harry M. Stow, Secretary, Board of Directors, Joint Highway District No. 13, to Six Companies1328
RR—Letter, 9/5/35, Wallace B. Boggs to Six Companies
SS—Letter, 9/14/35, Six Companies to Wallace B. Boggs
TT—Letter, 9/14/35, Six Companies to Wallace B. Boggs
UU—Letter, 9/16/35, Wallace B. Boggs to Six Companies
VV—Letter, 9/16/35, Wallace B. Boggs to Six Companies1337
WW—Letter, 9/16/35, Six Companies to Wallace B. Boggs1339
XX—Letter, 9/16/35, Six Companies to Wallace B. Boggs

R	eerd 'age	Book of Exhibits
YY-Letter, 9/17/35, Six Companies to		1
Wallace B. Boggs	134	2
ZZ—Letter, 9/17/35, Six Companies to Wallace B. Boggs		3
AAA—Letter, 9/16/35, Archibald B. Tinning to Max Thelen		
BBB—Letter, 9/17/35, Six Companies to Wallace B. Boggs		393
CCC—Letter, Wallace B. Boggs to Six Companies, 9/19/35		7
DDD—Letter, 9/20/35, Six Companies to Wallace B. Boggs		9
to Wallace B. Boggs		1
FFF—Letter, 9/25/35, Wallace B. Boggs to Six Companies		6
GGG—Letter, 9/26/35, Six Companies to Wallace B. Boggs		7
HHH—Letter, 9/27/35, Archibald B. Tinning to Thelen & Marrin	151	9 "
III—Letter, 9/30/35, Edward J. Neron to Wallace B. Boggs		
JJJ-Letter, 10/3/35, Thelen & Marrin to Archibald B. Tinning	1	
KKK-Letter, 10/8/35, Six Companies	,	397

	Record	Book of Exhibits
to W. B. Boggs.		R
MMM—Letter, 11/8/35, Wallace		
Boggs to Six Companies		8.
NNN—Letter, 11/20/35, Six Compar to Wallace B. Boggs		0
OOO—Letter, 12/20/35, Six Comparto Wallace B. Boggs		2
PPP—Letter, 12/28/35, Wallace Boggs to Six Companies		4
QQQ—Letter, 4/20/36, Six Companto Board of Directors, Joint His way District No. 13.	gh-	6
RRR—Letter, 4/30/36, Joint Highw District No. 13 to Six Companie	•	3
SSS—Letter, 5/8/36, Six Companies Board of Directors, Joint Highw District No. 13	vay	0 .*
TTT—Letter, 5/14/36, Harry M. St. Secretary to Six Companies		i ·
UUU—Transcript of hearing before the Industrial Accident Commiss of the State of California	ion	403
VVV—Letter, 10/24/35, Industrial acident Commission to Wallace Boggs, District Engineer, "Spec	Ac- B	

LX	mons for defendant (continued):
	Safety Order Requiring Remedying
	of Unsafe Condition of Place of Employment"1393
1	WWW—Regulations of PWA Administrative Order 54, No. PW 40444, Federal Emergency Administration of Public Works, 8/29/35 also letter, 2/4/36, from Thomas H. MacDonald, Chief of Bureau of Public
	Roads also letter, 3/4/36, from C. H. Sweetser, District Engineer, to Wallace B. Boggs, District Engi- neer, Joint Highway District No. 131409
2	XXX—Estimates Nos. 1 to 23
1	YYY—Estimate No. 24 copy of letter transmitting the estimates also pho- tostatic copy of check No. 1934, 6/10/36, for \$148,586.98
2	ZZZ—Letter, 6/13/36, Six Companies to Joint Highway District No. 131414
	A-4—Letter, 6/15/36, Six Companies to Joint Highway District No. 131420
]	B-4—Letter, 6/16/36, Joint Highway District No. 13, by L. V. Eaton, Assistant Secretary, to Six Com-

Record Page 1	Book of Exhibits
C-4—Letter, 6/16/36, Joint Highway	
District No. 13, by L. V. Eaton,	
Assistant Secretary, to Hartford	
Accident and Indemnity Co1431	
D-4—Letter, 7/9/36, Comptroller, Joint	
Highway District No. 13, to Six	
Companies of California	461
E-4—Letter, 7/15/36, Six Companies	
of California to Joint Highway District No. 131436	*
G-4—Two photographs of down-grade	
tunnel, Station 111+90	464
H-4—Photograph of up-grade tunnel, Station 112+05	466
I-4—Letter, 1/30/36, W. B. Boggs,	
District Engineer, to Six Compa-	
nies' Berkeley office1931	
M-4-1-Photograph, April 8th, slide	
area (without measuring rod)	467
M-4-2—Photograph, April 8th, slide	
area (with measuring rod)	468
N-4—Photograph of concrete in tunnel	469
O-4—Grant agreement between Joint	
Highway District No. 13 of the	
State of California and the United	
States of America	471

Record Book
X-1, X-2, X-4 to X-10 inclusive and
X-12 to X-102 inclusive [not set out
in this printed record—See Agreed
Statement of Facts set out at page
495 of the Book of Exhibits].
X-3—Amendments of 8/17/3650
X-11—Supplement of 9/23/3653
X-103—Certificate of Completion of
Project, of Earl Lee Kelly, Director
Department of Public Works, State
of California, 11/30/372479
X-104—Letter, C. H. Sweetser, Direc-
tor of Public Roads, re completion
Schedules A and B 2481
X-105—Similar letter, with respect
other schedule2483
X-106—Similar, letter, with respect
another schedule2484
X-107—Similar letter, with respect to
two other schedules 2486
X-108—Similar letter, with respect to
two other schedules 2487
X-109—Schedule of payments under
various contracts to complete proj-
ect2493
X-110—Schedule of certain items for
which credit should be allowed Six
Companies 2496

Record Page	Book of Exhibite
X-111—Schedule purporting to be com-	
putation of some costs of construc-	
tion of project, based on unit prices	
set forth in contracts 6/4/34, be-	
tween Six Companies of California	
and District	580
X-112 Schedule showing balance	47
claimed by District from Six Com-	
panies under cross-complaint for	
excess cost construction 2500	
X-113—Document prepared from Dis-	*
trict records by Ernest Brotherton,	
certified public accountant	584
X-114—Document re \$272.899 per day	
average cost operating District	595
X-115—Table, interest calculations,	w .
District bonds, 5/24/36 to 6/13/362527	
X-116-Affidavit and Certificate, Dis-	1
trict Engineer, 11/29/37, completion	P
of project, filed with Director Pub-	
lie Works, State of California,	2 -
11/30/37; and	4
Resolution, Board of Directors,	
Joint Highway District No. 13,	
12/1/37; and	3
Certificate of County Clerk, Contra	
Costa County, certifying as to reso-	4.1
lution of Board of Directors which	1

Re-	ord Book of ge Exhibits
resolution was filed with Contra	
Costa County Board of Supervisors,	
12/2/37	630
Exhibits for plaintiff:	
Exhibit A to Appellant's Designation	.1
1, 5, 6, 8, 9, 11 to 15, 17, 19 to 21 inclu-	
sive [not set out in this printed	194)
record—See Agreed Statement of	in a
Facts set out at page 1 of the Book	
of Exhibits]. 3—Specifications	4
4—Engineer's Estimate	410
7—Amendments and Supplements to	140
final specifications	140
16—Contract dated 6/4/34 between	da .
Joint Highway District No. 13 and Six Companies of California	157
THE RESERVE THE PROPERTY OF THE PROPERTY OF THE PARTY OF	101
18—Bond for faithful performance, 6/12/34	198
THE RESERVE OF THE PARTY OF THE	190
21—Resolution of the Board of Direc-	94
tors of defendant approving bond for materialmen and laborers	1
	212
22—Geological report	
23—Chart of Broadway tunnel	259
24—Pencil copy of engineer's estimate	181
on Broadway tunnal	447

xviii Six Companies of California vs.

Exhibits for plaintiff (Continued):

Page Ex	ok of
25—Map showing location of prospect	*
drift in 1932 at site of west portal	260
27-Drawing, "Excavating and Tim-	
bering"	261
34—Sketch illustrating self-propelled	
drilling and timbering jumbo	262
37—Photograph illustrating steel frame	263
39-12 photographs showing conditions	
	264
40—Photograph showing beginning of	
excavations, west portal	276
41—"Typical West Portal Bracing"	277
42-Poster showing various methods	
	278
43-Photograph, "Inside of the tunnel,	
west portal, May 1, 1935, Type 'B'"	279
45-Letter, 6/10/35, Six Companies to	
the Board of Directors, Joint High-	
way District No. 131051	
46—Letter, 7/12/35, Joint Highway	
District to Six Companies1054	
47-Letter, 8/26/35, Six Companies to	
Board of Directors, Joint Highway	1
District No. 13	
48—Letter, Six Companies of Califor-	
nia to Board of Directors, Joint	-
Highway District No. 13, 8/23/351059	

Exhibits for plaintiff (Continued):

Record	Book of
Page	Exhibits

49-Letter,	8/28/	35, Six	Com	panies	of
Californ	ia to	Board	of I	Directo	rs,
Joint H	lighwa	y Distr	ict N	o. 13	1063

- 51—Letter, 2/28/36, Thomas E. Caldecott, President, Board of Directors of Joint Highway District No. 13, to Six Companies of California..........1074

- 54—Letter, 1/22/35, Wallace B. Boggs, District Engineer, to Six Companies of California1085
- 55—Letter, 6/10/35, Six Companies of California to Board of Directors, Joint Highway District No. 13...........1087
- 56—Letter, 7/12/35, Joint Highway
 District to Six Companies 1090

Exhibits	for	plaintiff ((Continued)):

Record Book of Page Exhibits
57—Letter, 7/26/35, Six Companies to
Board of Directors, Joint Highway
District No. 13
59—Tabulation "North Tunnel Excavation Progress"1503
60—Tabulation "South Tunnel Excavation Progress"1506
62—Letter, 2/9/35, Six Companies of California to W. B. Boggs, Dis-
trict Engineer 281
63—Letter, 4/11/35, Industrial Acci-
dent Commission to Six Companies of California, "Concrete pump and flood lights in low level Broadway tunnels"
64—Letter, 7/1/35, Six Companies of
California to W. B. Boggs, District
Engineer1564
65—Letter, 7/2/35, Six Companies of California to Industrial Accident
Commission1567
66—Letter, 7/10/35, Industrial Acci-
dent Commission to T. M. Price,
Manager, Six Companies of Cali-
fornia1571
67—Letter, 2/13/35, Wallace B. Boggs, District Engineer, to Six Companies
of Colifornia

Joint Highway District 13

Exhibits for plaintiff (Continued):	Record Book of
68—Six photographs showing to	
cave-in	
69—Letter, 9/1/35, C. H. Fry, Stintendent of Safety, Industrial cident Commission, to Six Comies	Mpa-
70-Letter, 9/2/35, C. H. Fry, S	
intendent of Safety, Industria	l Ac-
cident Commission, to Six Co	
71—Letter, 9/14/35, Six Compani	es C.
California to Industrial Acc	eident
Commission	1618
72—Letter, 10/3/35, Wallace B. E	loggs,
District Engineer, to Six Compof California	
73—Tabulation, "Work Complete Six Companies of California"	
76—Photograph showing heading the lower drift	
77—Six photographs of tunnel early part of August 1935	
78—Photograph showing view to west portal north tunnel taken	
within	
81—Drawing showing square set.	298

xxii Six Companies of California vs.

Exhibits for plaintiff (Continued):	
Record B Page E	ook e
82—Four photographs showing square setting in the tunnels	299
83—Drawing, place in tunnel where square sets were placed	303
84—Letter, 11/22/35, Industrial Accident Commission to Six Companies1845	000
85—Three photographs, Type I method of timbering South Tunnel	304
86—Re-touched photograph, Gunniting between timbers	307
87—Four photographs "taken at the time of the cave-in"	308
88—"Notice to Employer to Remedy Unsafe Conditions of Place of Employment," Industrial Accident Commission, 2/22/36, addressed to Six Companies of California	
89—"Order to Correct Unsafe Conditions or to Show Cause," 2/29/36, Industrial Accident Commission to Six Companies1870	
90—Letter, 3/16/36, Industrial Accident Commission—T. A. Reardon and Frank C. MacDonald—to Six Companies of California	
91—"Notice to Employer to Remedy Unsafe Conditions of Place of Em-	

Exhibits for plaintiff (Continued): ployment," Industrial Accident Commission to Six Companies.....1879 92-Letter, 4/16/36, Industrial Accident Commission-T. A. Reardon nand Frank J. Burke-to Six Companies of California 313 93-Two photographs of concrete in 317 tunnel ____ 94—Proposed construction schedule..... 319 95-Form of letter, 1/10/36, V. G. Hindmarsh to W. B. Boggs......1899 Witnesses for defendant: Boggs, Wallace B. 2369 -direct ___2379 -cross -recalled, direct _____2415 -direct, resumed ____2451 2549 -cross2555 -redirect Derleth, Charles, Jr. 2358 -direct 2362 -cross Lippincott, Joseph Barlow 2556-direct Van Norman, H. A. 2559 -direct

xxiv Six Companies of California vs.

Vitnesses for plaintiff:	Record Book o
Bechtel, Stephen Davidson	
-direct	1038
—cross	
-redirect	
-recross	
Calhoun, Chad F.	
-direct	421
-cross	450
Hall, E. F.	
direct	1979
Hindmarsh, Victor G.	
—direct	1891
-cross	
-redirect	
—recalled, direct	
-cross	
-redirect	
	2010
Larson, Lewis Michael —direct	460
—recalled, direct	
-cross	
—redirect	
-recross	1036
Merritt, Homer	*
-direct	1969
eross	1975

Witnesses for plaintiff (continued):

renesses for plantain (continue	Record Book of Page Exhibits
Orselli, Alfred Joseph	
-direct	654
Page, Ben M.	
· —direct	2057
-cross	2104
Peterson, Otto W.	
-direct	2226
cross	
Phillips, Thomas L.	
-direct	2129
. —cross	
-redirect	
Price, Thomas Moore	
-direct	1471
-cross	1630
-direct, resumed	1632
-cross	
-redirect	
Rankin, Clark	
-direct	1803
-recalled, direct	
Sloan, George T.	
-direct	2345
Smith, De Lancey C.	
—direct	1987
-cross	

xxvi Six Companies of California vs.

Witnesses for plaintiff (continued):

Continue,	Record Book of
St. Sure, J. Paul	
—direct	2022
-cross	2026
—redirect	2034
-recross	2034
Wilde, Stanford H.	* 1
—direct	2051
Proceedings in U. S. C. C. A., Ninth Circuit	2615 - 2615
Order directing filing of opinion and judgment	2616
Opinion, Healy, J.	2616
Judgment	2634
Order denying petition for rehearing	2635
Order staying issuance of mandate	2635
Clerk's certificate	2637
Order allowing certiorari	2638
Stipulation as to contents of record	2638